

## **The Middletown Zoning Board of Review December 9, 2008**

**The Middletown Zoning Board of Review held it's regular monthly meeting on December 9,2008 at 7:00 p.m. Present at this meeting were: Chairman -Tom Silveira, Vice- Chairman- Peter Van Steeden, Secretary - Lucy Levada, and Tom Newman,.1st Alternate -Steve MacGillvary 2nd Alternate Greg Schultz , Town Solicitor- Michael Miller and Zoning Officer- Jack Kane. Due to the resignation of Melissa Massey and Richard Cambra the 1st Alternate Steve MacGillvary will be the 5th voting member and Greg Schultz will be the 1 st Alternate.**

**A request sent from the Town Council President Christopher Semomelli asking the Zoning Board of Review to appoint a representative to the Comprehensive Plan Review Committee. The Board was pleased to forward the name of Thomas Silveira (Chairman ) to represent the Zoning Board of Review and Lucy Levada (Secretary) as an alternate to represent the Zoning Board when Mr. Silveira is unavailable.**

**A motion was made by Peter Van Steeden and second by Steve MacGillvary to accept the secretary's minutes of December 9,2008. Motion carried 5-0**

**Continued Cases:**

**Summary Cases:**

**1. Petition of : George & Laura Oakley- 49 Third Beach Rd, -Middletown, R.I. (Owners)- for a variance from Section 603, 701, & 803g- to construct a 2x4' one story addition and reconstruct the existing first floor greenhouse addition with a right side yard setback of 21' where 30' is required. Said real estate is located at 49 Third Beach Rd. And further identified as lot 3A on Tax Assessor's Plat 125**

**A Motion was made by Lucy Levada and second by Steve MacGillvary to grant the petition . Petition granted 5-0**

**2. Petition of : Bridget & Kelly Gillings- 16 Fairview Ave.- Middletown, R.I. (Owners)- for a Variance from Sections 603, 701- to construct an 8x8' front porch with a front yard set back of 17' where 25' is required. Said real estate is located at 16 Fairview Ave. And further identified as Lot 30 on Tax Assessor's Plat 108sw.**

**A motion was made by Peter Van Steeden and second by Lucy Levada to grant the petition. Petition granted 5-0**

**3. Petition of Ann Burns: -171 Tuckerman Ave.- Middletown, R.I.(owner)-Richard R.Long- 80 Division St.-Newport, R.I.(Applicant)**

for a variance from section 603,701,& 803G.- to construct a 4x12' addition with a rear side yard set back of 26' where 30 ' is required. Said real estate is located at 171 Tuckerman Ave. And further identified as lot 26 on Tax Assessor's plat 116 se.

A motion was made by Peter Van Steeden and second by Lucy Levada to grant the petition. With a Page 2

condition that it remains a single family resident. Petition granted 5-0

#### **New Cases-**

4. Petition of : Patricia Faria- 45 Renfrew Ave.-Middletown R.I..(owner) for a Variance from Sections 603,701,&703D- to allow the construction of a 10'x10' shed with a side yard setback of 1' where 5' is allowed and a front yard setback of 1' where 25' is required. Said real estate is located at 45 Renfrew Ave and further identified as Lot 242 on Tax Assessor's Plat 115SE.

A motion was made by Tom Newman and second by Steve MacGillvary.to grant the petition. Petition granted 5-0

5. Petition of: Wendy & Catherine Cotta- 15 Sheffield Hill Rd. -Exeter,R.I..-(owner)- Catherine Cotta (Applicant)- for an extension

**from Article 9 Section 905- petitioner request 1 year extension of a previously granted Variance dated November 28,2007. Said real estate is located at Fayal lane and further identified as lot 26 on Tax assessor's plat 124.**

**A motion was made by Peter Van Steeden and second by Tom Newman to grant the extension to November 28, 2009. Petition granted 5-0**

**6. Petition of : R.K. Middletown R.I., LLC-C/O R.K. Associates-456 Providence Highway-Dedham , Mass.(owner) Peter Zhang d/b/a Sakura Steakhouse (applicant)- by their Attorney Robert M. Silva, Esq.- for a variance from Section 1211 Tables 12-2 &12-4 - to allow the installation of a second building mounted sign,(1-allowed) containing 46 sq.ft. For a total of 92 sq. ft. (70 sq.ft. Allowed). Said real estate is located at 250 East Main Rd. And further identified as lot 15A on Tax Assessor's Plat 113.**

**A Motion was made by Peter Van Steeden and second by Steve MacGillvary to grant the petition as there is not enough room on the entrance sign to the plaza and the onlu opportunity Mr Zhang would have is to allow him a sign on the front door entrance. Petition granted 5-0**

**7. Petition of: Norman Bird Sanctuary. Third Beach Rd. -Middletown, R.i.(owner)p for an appeal from Article 3 Section 317 A- Appeal the**

**Notice of Unsafe Structure issued by the Building Official on November 6,2008. Said Real Estate is located at Third Beach Rd. And further identified as Lot 1 on Tax Assessor's plat 131**

**Steve MacGillvary recuse himself from this petition .Greg Schultz will be a voting member on this petition.**

**A motion was made by Peter Van Steeden to and second by Greg Schultz to continue this case to April 28,2009 as they need time to make progress and to seek a permit. Petition granted 5-0**

**Meeting adjourned 7:35 p.m.**

**Respectfully submitted**

**Lucy R. Levada**

**Secretary**